

### **REMARKS**

Claims 1-6 are pending in this application. The Examiner rejected Claims 1-2 under 35 U.S.C. §102(b), rejected Claim 4 under 35 U.S.C. §103(a), and indicated that Claims 3, 5, and 6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Ciavaglia* Does Not Anticipate the Invention of Claims 1-2**

Claims 1-2 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 6,142,551 to Ciavaglia et al. ("*Ciavaglia*"). This rejection is traversed for the reasons discussed below.

#### **Claim 1**

The drive system for hinged gate of a vehicle according to Claim 1 requires, among other elements, a link member (17) connected to a point of the hinged gate of the vehicle; and a shaft member (16) fixed to the rack (11), to which the link member (17) is rotatably connected; and that the casing (9) is provided with a guide casing (12) extending in a longitudinal direction of the rack (11), and the guide casing (12) is formed to have a closed section surrounding the shaft member (16) and is provided therein with a guide member (27, 28) configured for guiding the rack (11).

In contrast, *Ciavaglia* discloses a drive system 22 having a casing 23 which is provided with a guide casing 34. The guide casing 34 of *Ciavaglia* has a slit or an elongated opening for the shaft member. The shaft member rotatably connects the rack 30 and the link member 36 to allow the link member to move between the extended position shown in Fig. 2 and the retracted position shown in Fig. 3 (Column 3, lines 17-39). As shown in Fig. 2 the shaft member and a portion of the link member are positioned outside the cover 23 when the liftgate is open. Thus, the guide casing 34 of *Ciavaglia* is not formed to have a closed section surrounding the shaft member.

Furthermore, the guide casing 34 of *Ciavaglia* is not provided therein with a guide member configured for guiding the rack 30. The guide casing 34 guides the link member 36, whereas the rack 30 of *Ciavaglia* is guided by the cradle 32 and roller 33. The rack is not guided by the guide casing 34, as shown in Figs. 2 and 3 (Column 3, lines 9-16).

Thus, *Ciavaglia* fails to disclose that the guide casing is formed to have a closed section surrounding the shaft member and is provided therein with a guide member configured for guiding the rack, as required by Claim 1. Accordingly, Claim 1 is not anticipated by *Ciavaglia*, and Claim 1 should be allowed.

**Claim 2**

Claim 2 depends from Claim 1. The remarks made above in support of the patentability of independent Claim 1 are equally applicable in distinguishing dependent Claim 2 from *Ciavaglia*. Accordingly, Claim 2 should also be allowed.

***Ciavaglia* and *Ozeki* Do Not Show  
or Suggest the Invention of Claim 4**

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Ciavaglia* in view of U.S. Patent No. 6,080,469 to Ozeki et al. ("*Ozeki*"). This rejection is respectfully traversed.

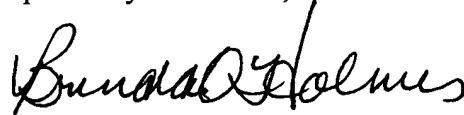
*Ozeki* discloses a laminated form sheet for a vehicle headliner. However, *Ozeki* does not disclose any structure for a guide casing, shaft member or rack. Neither *Ciavaglia* nor *Ozeki* discloses the above-discussed limitations required by Claim 1 from which Claim 4 indirectly depends. Thus, Claim 4 would not have been obvious to one of ordinary skill from the cited references at the time the Applicants made the claimed invention. Accordingly, Claim 4 should be allowed.

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Amdt. dated 7/21/04  
Reply to Office Action of April 23, 2004  
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**CONCLUSION**

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicant solicits a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brenda O. Holmes". The signature is fluid and cursive, with the first name "Brenda" being more prominent.

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